



**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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OLEN, NILSEN  
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BARRINGTON, ILLINOIS 60010

EXAMINER	
GERARD	
ART UNIT	PAPER NUMBER
212	25

DATE MAILED:

10/15/89

Below is a communication from the EXAMINER in charge of this application.

COMMISSIONER OF PATENTS, AND TRADEMARKS

**ADVISORY ACTION**

- ☐ THE PERIOD FOR RESPONSE <sup>EXPIRES</sup> IS EXTENDED TO RUN THREE MONTHS FROM THE DATE OF THE FINAL REJECTION. 855 O.G. 1109. OR AS OF THE MAILING DATE OF THIS ACTION, WHICHEVER IS LATER,
- ☐ Appellant's Brief is due in accordance with Rule 192 (a).

Applicant's response to the final rejection, filed \_\_\_\_\_, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
  - a. ☐ There is no convincing showing under Rule 116(b).
  - b. ☐ They raise new issues that would require further consideration and/or search.
  - c. ☐ They raise the issue of new matter.
  - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.
2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing of an appeal, the proposed amendment ☒ will be ☐ will not be, entered and the status of the claims in this application would be as follows:
  - a. ☐ Claims \_\_\_\_\_ would be allowable.
  - b. ☐ Claims 1, 14, 32, 54, 55, 86, 87, 106, 107 & 113 would not be allowable.However:
  - (1) ☐ The rejection of claims \_\_\_\_\_ on references is deemed to be overcome by applicant's response.
  - (2) ☐ The rejection of claims \_\_\_\_\_ on non-reference grounds only is deemed to be overcome by applicant's response.
4. ☐ The affidavit, exhibit or request for reconsideration has been entered but does not overcome the rejection.
5. ☐ The affidavit or exhibit will not be admitted because applicant has not shown good and sufficient reasons why it was not earlier presented.
6. ☐ The application having been examined under the special accelerated examining procedure (M.P.E.P. 708.02), the proposed amendment has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appeal.

The shortened statutory period for response expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

The amendment filed October 13, 1983 under 37 CFR 1.116 in response to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claims: none

Rejected claims: 1, 14, 32, 54, 55, 86, 87,  
106, 107 and 113

Claims objected to: 2-10, 15-20, 22, 23, and

Claims withdrawn from consideration: 89, 91,  
92, 97-105, 108-111, 114 and  
115.

Please note that claims 113 is being newly listed as a rejected claim. Claim 113 is rejected under 35 USC 112 paragraph 2 as being incomplete since applicant canceled claim 112, the base claim for dependent claim 113. Claim 113 would nevertheless be allowable if placed in independent form, including all limitations of canceled base claim 112.

At this point of the prosecution, the withdrawn claims should be canceled from the application to narrow the remaining issues.

Thus applicant is encouraged to file yet another amendment prior to appeal correcting the deficiency of claim 113 and canceling the withdrawn claims.

Applicant's arguments filed October 13, 1983 have been fully considered but they are not deemed to be persuasive.

At the outset, it is noted that applicant did not address the rejection of claims 54 and 55, dependent claims based on claim 32. What is applicant's position on these claims in view of Rhoads?

Next as to applicant's comments <sup>re</sup> ~~no~~ claim 1, 14 and 10, it must be remembered that claims are given their broadest reasonable interpretation during prosecution before the Office. Applicant's position regarding the last three lines of claim 1 and similar lines in the other claims is based on limitations and

qualifications missing from the claims. The pulses of figure 2 are of a higher frequency than waveform D, and this is all that the claims require. Besides Friend's pulses appear to meet applicant's own definition of the specification, page 11, lines 14-17.

In a similar manner inductor 16 and capacitor 17 are clearly connected in series between the junction point of transistors 26 and 54. This is all that claim 1 requires.

As to claim 32, the examiner is reading the claimed "direct electrical connection" as including a connection through other components, since it clear applicant is doing the same thing. Compare applicants connection of AC input lead 37 to inductive means 51 (figure 2) by means of a capacitor 52. Applicant cannot distinguish over Gurwicz by using a more restrictive definition of a "direct electrical connection" against a reference than he can support in his own disclosure.

As to claim 86, it appears to the examiner that a "substantially square wave voltage" is developed between transistors 26, 54 and ground, the anticipating output terminals of Friend. Friend's sine wave actually appears across primary winding 62, a feature not relied upon in the rejection. The "substantially square wave voltage" appears in Friend by virtue of feedback diodes 30, 60, in much the same manner as equatable diodes 66, 67 of applicant's inverter (fig. 2)

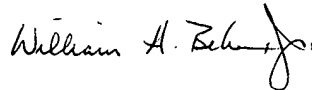
contribute to this result (specification, pages 9 and 10; figure 3A).

Nevertheless, should applicant go forward with his position that Friend does not produce "a substantially square wave voltage," between the claimed output terminals (the junction of the transistors and ground), then it would be helpful if the position would be supported by test results to this effect. As a standard for comparison, the test results should also show the output waveforms of applicant's claimed inverter.

Any inquiry concerning this communication should be directed to William H. Beha at telephone number 703-557-5050.

Beha/yp

11/9/83



WILLIAM H. BEHA, JR.  
EXAMINER  
GROUP ART UNIT 212